

Jeffrey D. Hill v. New Castle County, et al.

C. A. No. 07-228 (GMS)

Plaintiff's Answering Brief In Opposition Of Defendants' Motion For Summary Judgment

APPENDIX P

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge transmitted To:

Agency(ies) Charge No(s):

☒ FEPA☒ EEOC06090394W
17C-2006-01456**Delaware Department of Labor**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Jeffrey D. Hill

Home Phone (Incl. Area Code)

(302) 378-2413

Date of Birth

09-24-1967

Street Address

City, State and ZIP Code

51 Maily Drive, Townsend, DE 19734

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

NEW CASTLE CO POLICE DEPARTMENT

No. Employees, Members

201 - 500

Phone No. (Include Area Code)

(302) 571-7930

Street Address

City, State and ZIP Code

3601 N. Dupont Highway, New Castle, DE 19720

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

12-15-2004**07-14-2006**☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Jurisdiction: Charging Party works for Respondent in Delaware since 09/92 most recently as a Corporal in there Patrol Division

Charging Party's protected class: Sex (Male), Retaliation

Adverse employment action: Harassment, Terms & Conditions, Assignment

Brief statement of allegations: Charging Party was assigned to the Mounted Patrol Division in 04/02 working day shift with occasional weekend shifts. About 09/03 Charging Party was assigned a new supervisor, Sgt. Nicole Hyden. Under Sgt. Hyden's supervision Charging Party was subjected to disparate treatment in the manner in which she dealt with and supervised him. Charging Party alleges that in Summer 2004, when SGT. Hyden was on vacation, Charging Party was not assigned to be the acting supervisor. Charging Party alleges that Officer Darla Hoff, a less senior officer was assigned the position of acting supervisor, in contrast to departmental policy. Charging Party alleges that Sgt. Hyden continually subjected him to harassing comments and threatened to deny Charging Party's opportunity to take vacation time. Charging Party alleges that he did not receive his yearly evaluation in a timely manner and actually did not receive it until 11 months after it was due. Charging Party alleges this affected his ability to transfer and be considered for promotional opportunities. In 2005, following a national competition where Charging Party placed much higher in ratings than Sgt. Hyden, Sgt. Hyden had a meeting with Charging Party where she threatened to transfer him to another patrol division. In October 2005, Charging Party filed a formal complaint with the Mounted Patrol Division Captain, Capt. Setting, that he was being harassed by Sgt. Hyden. Capt. Setting was immediately transferred and Capt. Hitch replaced him and performed the investigation into Charging Party's complaint. Respondent found the complaint unsubstantiated and Capt. Hitch was replaced by Capt. Watson at the beginning of March 2006. On 03/13/06, Charging Party was called in by both Capt. Hitch and Capt. Watson and informed he was immediately being transferred to the Uniformed Patrol Division which encompassed working any of the three shifts in a 24 hour period with rotating days off. Charging Party alleges that by transferring him to another Patrol Division Respondent retaliated against him for filing a complaint of discrimination.

Respondent's explanation: Respondent states they can transfer officers at will.

Applicable law(s): Title VII of the Civil Rights Act of 1964 as amended and the Delaware Discrimination in Employment Act

Comparator(s) or other specific reason(s) for alleging discrimination: Officer Darla Hoff (F) was assigned to the position of acting supervisor with less seniority than Charging Party. Rosemarie Williams (F) was assigned to fill Charging Party's position in the Mounted Patrol Division.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Sep 12, 2006

Date

Charging Party Signature

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☒ FEPA☒ EEOC

00090394W
17C-2006-01456

Delaware Department of Labor

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Sep 12, 2006

Date

Charging Party Signature

BRENDA J. SANDS
NOTARY PUBLIC, STATE OF DELAWARE
My Commission Expires 3/3/07

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

9/12/06 B J Sands